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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/821,027	03/19/1997	ERIC A. VOIT	65632-0047	3576

32127 7590 02/18/2004

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EXAMINER

GEORGE, KEITH M

ART UNIT	PAPER NUMBER
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2663

36

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/821,027

Applicant(s)

VOIT ET AL.

Examiner

Keith M. George

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-21,23 and 24 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been reassigned to examiner Keith M. George, AU 2663.

Specification

2. The disclosure is objected to because of the following informalities: The application serial number on page 18 should be updated.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 25-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 25 recites the limitation "the occurrence of the routing step" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claims 26-29 are similarly rejected.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2663

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirashrafi et al., U.S. Patent 6,026,087, hereinafter Mirashrafi, in view of Fleischer, III et al., U.S. Patent 5,680,446, hereinafter Fleischer.

8. Referring to claim 1, Mirashrafi discloses a method in response to placement of a voice telephone call to a PSTN (i.e. abstract, establishing a voice call to a PSTN extension for a networked client computer) comprising determining the QoS (i.e. fig. 2B, 232; col. 10, ll. 44-46, determine call quality reached a threshold); compare QoS with predetermined threshold (i.e., fig. 2B, 236; col. 10, 49-50; compare to see if measured quality level if within acceptable range); route though the packet network if exceed threshold level and route though the PSTN if threshold not exceeded (i.e. fig. 1, col. 10, 49-52, 59-62, call is sent through the internet and Bridgeport if QoS acceptable, if not, it is sent directly through the telephone extension 113 to the PSTN 140). Mirashrafi does not specifically disclose that the PSTN includes an AIN that includes an ISCP having CPRs. However, Fleischer teaches that the PSTN includes AIN and ISCP with CPRs (i.e. fig. 1, AIN is shown by the figure and CPR 10 is in the ISCP 30). Fleischer also teaches that the CPRs contain an applied operating criteria permitting routing of a voice telephone call (i.e. col. 13, 34-35, the CPR may contain the service logic for network screening and call routing). It is clear that increase security and other quality of service are desirable in a telecommunications network. Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include AIN, ISCP, CPR as

Art Unit: 2663

taught by Fleischer with the method of Mirashrafi. The motivation is to increase security of the customers' telecommunications network.

9. Regarding claim 2, Mirashrafi et al. involve unique service code (i.e. col. 5, ll. 33-35; it is inherent that the Push-to Talk option involve unique codes for the service).

10. Regarding claims 6-8, Mirashrafi et al. discloses exchanging signaling messages (i.e. col. 6, ll. 27-43); network is internet (i.e. fig. 1, 150); and if not busy, connect via the internet with two PSTN on either ends (i.e. fig. 1, 110 and 140 are PSTN/POTS and connected though internet 150).

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mirashrafi in view of Fleischer s applied to claim 1 above, and further in view of Akinpelu et al., U.S. Patent 5,661,792, hereinafter Akinpelu. Mirashrafi does not specifically disclose that the interexchange carrier (IXC) identity is specified in the CPR. However, Akinpelu teaches that this identity is specified in the database for switching. It is necessary for the identity to be obtained in order for switching to take place. Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include the IXC ID as taught by Akinpelu with the method of Mirashrafi. The motivation is to allow for proper billing of toll calls by keeping tract of which IXC is being used.

12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mirashrafi and Fleischer as applied to claim 1 above, and further in view of Farris, U.S. Patent 6,064,653, hereinafter Farris. Mirashrafi and Fleischer teach the method as described in reference to claim 1 above with the possible exception that the CPR includes an acceptable level of service with a threshold quality level. Farris teaches that the user's acceptable level of service may be

Art Unit: 2663

predefined with a threshold quality level stored in the user's Call Processing Record (CPR) in the AIN Integrated Services Control Point (ISCP) (column 4, lines 51-54). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to predefine the level of service with a threshold quality level as taught by Farris in the method of Mirashrafi and Fleischer. One of ordinary skill in the art would have been motivated to do this determine if the voice call should continue through the established course of transmission or if routing of the call should be changed to communication solely through a traditional PSTN voice telephone network connection (Farris, column 4, lines 54-60).

Allowable Subject Matter

13. Claims 9-21, 23 and 24 are allowed.
14. Claims 25-29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Amendment

15. The amendment to the specification proposed on page 9 of the Amendment Under 37 C.F.R. § 1.111 filed 8 December 2003 has not been entered because the paragraph to be replaced does not begin at page 18, line 2 of the originally filed specification. It appears that the paragraph begins on page 17, line 24 of the originally filed specification.
16. Applicant is also reminded that when submitting an amendment to a claim the text of any added subject matter must be shown by underlining the added text. The text of any deleted

Art Unit: 2663

matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters, see 37 CFR 1.121(c).

Response to Arguments

17. Applicant's arguments filed 8 December 2003 have been fully considered but they are not persuasive.

18. On page 12 of the Amendment Under 37 C.F.R. § 1.111 filed 8 December 2003, applicant argues that Mirashrafi is not responsive to placement of a voice telephone call to a PSTN by a first one of said stations. In response, Mirashrafi clearly teaches a method and apparatus for establishing a voice call (placement of a voice telephone call) to a PSTN extension for a networked client computer (first one of said stations) (abstract).

19. On page 12 of the Amendment, applicant goes on to argue that claim 1 has been amended to clearly point out that the call processing records (CPRs) contain an applied operating criteria permitting routing of the voice telephone call. In response, Fleischer clearly teaches that the CPR may contain service logic (applied operating criteria) for network screening and all routing (column 13, lines 34-35).

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2663

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 703-305-6531. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George
12 February 2004



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SUPERVISORY PATENT EXAMINER
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2/17/04